THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15375 OF 2007

DATED: 20-07-2007

Between :

Nagasuri Srihari .. Petitioner

And

1. The Joint Collector (Civil Supplies),
   Prakasam District, Ongole.,
   And another. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.15375 OF 2007

ORDER :

The petitioner claims to be the owner of Motor-cycle (Bajaz) bearing Registration No.AP 27 TR 9211, which was seized under Panchanama dated 30-4-2007 by the Tahsildar, Ulavapadu, allegedly in connection with an offence under the Essential Commodities Act, 1955. Immediately thereafter, the petitioner made a petition dated 4-6-2007 before the 1st respondent herein stating that he is in no way connected with the stock seized under the Panchanama much less with the alleged offence and, therefore, the vehicle in question may be released. Pursuant thereto, the 1st respondent passed the impugned order dated 6-7-2007 directing release of the vehicle on furnishing Bank Guarantee of Rs.9,000/- on a Nationalised Bank.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

It is relevant to note that Panchanama dated 30-4-2007, did not reflect any specific allegation that the vehicle belonging to the petitioner is involved in the alleged offence. Admittedly, the petitioner was not present at the scene of offence.

However, the impugned order dated 6-7-2007 was passed by the 1st respondent directing release of the vehicle on furnishing Bank Guarantee without considering the specific plea of the petitioner that he was in no way concerned with the seizure effected by the Tahsildar, Ulava Padu, on 30.4.2007. Obviously, the impugned order was passed mechanically without application of mind to the relevant facts.

Hence, the said order, so far as it relates to the petitioner's vehicle is concerned, is hereby set aside and the Writ Petition is disposed of with a direction to the 1st respondent to consider the request of the petitioner dated 4-6-2007 in the light of the observations made above, and pass appropriate orders in accordance with law within a period of one week from the date of receipt of this order. No costs.

G. ROHINI, J.

Dt. 20-07-2007
Note:- Cc by 23-7-2007
(Bo)
gbs